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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-310

11 **BETSY CARDEN**
12 **7657 E. Morelos Place**
13 **Tucson, AZ 85710**
14 **Registered Nurse License No. 646959**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15
16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about November 15, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
19 then-official capacity as the Executive Officer of the Board of Registered Nursing (Ms. Bailey is
20 currently the Board's Interim Executive Officer), filed Accusation No. 2012-310 against Betsy
21 Carden (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit
A.)

22 2. On or about October 26, 2004, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 646959 to Respondent. The Registered Nurse License expired on
24 March 31, 2006, and has not been renewed.

25 3. On or about November 15, 2011, Respondent was served by Certified and First Class
26 Mail copies of the Accusation No. 2012-310, Statement to Respondent, Notice of Defense,
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
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1 and 11507.7) at Respondent's address of record which, pursuant to California Code of
2 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
3 which was and is: 7657 E. Morelos Place, Tucson, AZ 85710.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6 124.

7 5. On or about January 3, 2012, the certified mail documents were returned by the U.S.
8 Postal Service marked "Unclaimed." The address on the mailing was the same as the address on
9 file with the Board.

10 6. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
15 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
16 310.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions
20 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

21 9. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
24 taking official notice of all the investigatory reports, exhibits and statements contained therein on
25 file at the Board's offices regarding the allegations contained in Accusation No. 2012-310, finds
26 that the charges and allegations in Accusation No. 2012-310, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$357.50 as of February 13, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Betsy Carden has subjected her Registered Nurse License No. 646959 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Department of Consumer Affairs is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Violation of Business and Professions Code section 2761(a)(4)(out-of-state discipline) because Respondent was disciplined by the Arizona Board of Nursing in 2008 by having her Arizona license placed on six months' probation for a criminal conviction in Arizona in December 2006 for driving under the influence of alcohol.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 646959, heretofore issued to Respondent Betsy Carden, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 27, 2012.

It is so ORDERED June 28, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

60719062.DOC
DOJ Matter ID: LA2011601549

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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8 BEFORE THE
9 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-310

11 BETSY CARDEN

ACCUSATION

12 7657 E. Morelos Place
13 Tucson, AZ 85710

14 Registered Nurse License No. 646959

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about October 26, 2004, the Board issued Registered Nurse License Number
23 646959 to Betsy Carden ("Respondent"). The Registered Nurse License expired on March 31,
24 2006 and has not been renewed.

25 JURISDICTION AND STATUTORY PROVISIONS

26 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
27 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
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1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
2 the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
6 subdivision (b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Section 118 subdivision (b) of the Code grants the Board jurisdiction over suspended,
9 expired, forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law, of a license
11 issued by a board in the department, or its suspension, forfeiture, or cancellation by
12 order of the board or by order of a court of law, or its surrender without the written
13 consent of the board, shall not, during any period in which it may be renewed,
14 restored, reissued, or reinstated, deprive the board of its authority to institute or
15 continue a disciplinary proceeding against the licensee upon any ground provided by
16 law or to enter an order suspending or revoking the license or otherwise taking
17 disciplinary action against the licensee on any such ground."

18 6. Section 2761 of the Code provides, in pertinent part:

19 "The board may take disciplinary action against a certified or licensed
20 nurse or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct, which includes, but is not limited to, the
22 following:

23 (4) Denial of licensure, revocation, suspension, restriction, or any other
24 disciplinary action against a health care professional license or certificate by another
25 state or territory of the United States, by any other government agency, or by another
26 California health care professional licensing board. A certified copy of the decision
27 or judgment shall be conclusive evidence of that action."

28 COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Disciplinary Action by the Arizona Board of Nursing)

3 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) of the
4 Code on the grounds of unprofessional conduct, in that she was disciplined by the Arizona Board
5 of Nursing ("Arizona Board"), as follows:

6 9. On or about February 29, 2008, the Arizona Board entered findings of fact,
7 conclusions of law, and made an order in a stipulated agreement to resolve the disciplinary action
8 entitled *In the Matter of Professional Nurse License No: RN120373 Issued to BETSY CARDEN*.

9 In this stipulation the Arizona Board found and Respondent admitted as follows:

10 a. On or about May 9, 2007, Respondent was convicted of a misdemeanor offense of
11 driving under the influence after she was arrested in December 2006 for driving
12 with a blood alcohol level of .168.

13 b. On or about October 24, 2007, she underwent a chemical dependency evaluation.
14 The evaluator recommended that Respondent enter into follow-up counseling
15 with a certified substance abuse counselor for at least 8 sessions.

16 10. As a result of these findings, the Arizona Board concluded Respondent had violated
17 Arizona statutes governing professional nursing and ordered her nursing license placed on 6
18 months' probation. As part of that probation, it required her to undergo counseling, random drug
19 testing, abstain from alcohol use, and to notify her employers of the probation.

20 11. Under Section 2761 subdivision (a)(4) of the Code the Arizona Board's disciplinary
21 action placing Respondent on six months' probation in 2008 is grounds for the California Board
22 to take disciplinary action.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 646959, issued to Betsy
27 Carden;
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- 1 2. Ordering Betsy Carden to pay the Board of Registered Nursing the reasonable costs
2 of the investigation and enforcement of this case, pursuant to Business and Professions Code
3 Section 125.3; and,
4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: November 15, 2011 Louise L. Bailey
6 LOUISE R. BAILEY, M.Ed., R.N.
7 Executive Officer
8 Board of Registered Nursing
9 Department of Consumer Affairs
10 State of California
11 Complainant

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